

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CITY OF NEW YORK,

Plaintiff,

MEMORANDUM AND ORDER

-against-

16-cv-2223 (FB) (CLP)

FU CHEN, and QIUYUE CHEN,

Defendants.

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Appearances:

For Plaintiff:

ERIC PROSHANSKY
Corporation Counsel of the City of New
York
100 Church Street
New York, New York 10007

For Defendants:

ANNA DEMIDCHIK
The Kasen Law Firm, PLLC
305 Broadway, Suite 1418
New York, New York 10007

SABRINA YASMIN HASSAN
New York City Law Department
100 Church Street
New York, New York 10007

BLOCK, Senior District Judge:

On September 12, 2016, Magistrate Judge Cheryl L. Pollak (“MJ”) issued a Report and Recommendation (“R&R”) recommending that, with plaintiff’s consent, plaintiff’s Motion for Default Judgment be denied and that defendants’ Motion to Set Aside Default be granted. The R&R was docketed on September 12, 2016. To date, no objections have been filed, and thirty-five days have passed.

Where there are no objections, the Court may adopt the R&R without de novo

review. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). This Court, however, will conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000). No such error appears here. Accordingly, the Court adopts the R&R without de novo review and denies plaintiff’s Motion for Default Judgment and grants defendants’ Motion to Set Aside Default.

SO ORDERED.

/s/ Frederic Block
FREDERIC BLOCK
Senior United States District Judge

Brooklyn, New York
October 24, 2016